



CITY COUNCIL

Meeting Agenda

***REGULAR MEETING
COUNCIL CHAMBERS***

***MONDAY, OCTOBER 25, 2010
7:00P.M.***

1. OPENING MATTERS

A. CALL TO ORDER

B. INVOCATION: Steve Elmarzouky, Islamic Center of Reading

C. PLEDGE OF ALLEGIANCE

D. ROLL CALL

2. PROCLAMATIONS AND PRESENTATIONS

- Council Commendation recognizing the 150th Anniversary of St. John's Lutheran Church, accepted by Pastor Eckhard Grimm
- Council Commendation recognizing the achievements of Dr. C. James Holliman

3. PUBLIC COMMENT – AGENDA MATTERS:

Citizens have the opportunity to address the Council, by registering with the City Clerk before the start of the meeting. All remarks must be directed to Council as a body and not to any individual Council member or public or elected official in attendance. Any person making personally offensive or impertinent remarks or any person becoming unruly while addressing Council may be called to order by the Presiding Officer and may be barred from speaking before Council, unless permission to continue speaking is granted by the majority vote of Council.

All comments by the public shall be made from the speaker's podium. Citizens attending the meeting may not cross into the area beyond the podium. Any materials to be distributed to Council must be given to the City Clerk before the meeting is called to order.

Those commenting on agenda business shall speak at the beginning of the meeting and shall limit their remarks to 5 minutes. Those commenting on general matters shall speak after the legislative business is concluded and shall limit their remarks to 3 minutes. No comments shall be made from any other location except the podium, and anyone making "out of order" comments may be subject to removal. There will be no demonstration at the conclusion of anyone's remarks. Citizens may not ask questions of Council members or other elected or public officials in attendance.

4. APPROVAL OF AGENDA

A. MINUTES: Council meeting of October 11, 2010

B. AGENDA: Council Meeting of October 25, 2010

5. Consent Agenda Legislation

A. Award of Contract - for Motor Oils and Lubricants for the Department of Public Works and the RAWA between PPC Lubricants, 305 Micro Drive, Jonestown, PA 17038, and Craft Oil, 837 Cherry Street, Avoca, PA, 18641, at the unit prices submitted. PPC Lubricants and Craft Oil are the low bidders to meet the specifications **(Purchasing)**

6. ADMINISTRATIVE REPORT

7. REPORT FROM OFFICE OF THE AUDITOR

8. REPORT FROM DEPT. DIRECTORS, BOARDS, AUTHORITIES, & COMMISSIONS

9. ORDINANCES FOR FINAL PASSAGE

A. Bill No. 56- 2010 - An ordinance of the City of Reading Codified Ordinances, Chapter 4, Part 1 Historical Districts by extending enforcement authority to Property Maintenance Inspectors and Supervisors and Zoning Enforcement Officers **(Council Staff)** *Introduced at the October 11 regular meeting*

B. Bill No 57-2010 - amending the 2010 City of Reading Full Time Position Ordinance by adding the position of Controller in the Department of Finance **(Business Analyst)** *Introduced at the October 11 regular meeting*

C. Bill No 58-2010 - amending Code of Ordinances of the City of Reading, Berks County, Pennsylvania, Chapter 1 Administration and Government, Part 6 Pensions, D. Officers & Employees Pension Fund, Section 1-678 Disability Benefits **(Law)** *Introduced at the October 11 regular meeting*

D. Bill No 59-2010 - amending Code of Ordinances of the City of Reading, Berks County, Pennsylvania, Chapter 1 Administration and Government, Part 6 Pensions, D. Officers & Employees Pension Fund, Section 1-682 Refund of Contribution **(Law)** *Introduced at the October 11 regular meeting*

E. Bill No 60-2010 - amending the Code of Ordinances of the City of Reading, Berks County, Pennsylvania, Fee Schedule, Administrative Fees, Police Department, Division of Codes Fees – Vending Machine Fees **(Council Staff)** *Introduced at the October 11 regular meeting*

F. Bill No 61-2010 – Amending the 2010 Full Time Position Ordinance by adding three (3) Property Maintenance Aide positions in the Property Maintenance & Inspection Division, under the Police Department **(Business Analyst)** *Introduced at the October 11 regular meeting*

G. Bill No 62-2010 - Amending the 2010 Full Time Position Ordinance by adding one (1) Program Managers under Community Development **(Business Analyst)** *Introduced at the October 11 regular meeting*

H. Bill No 63-2010 – amending the Code of Ordinances of the City of Reading, Berks County, Pennsylvania, Chapter 24 Taxation, Special, Part 4 Local Services Tax, Section 24-401 definitions, thereby redefining terms “Tax Manager” and “Treasurer” for said Part 4 **(Law)** *Introduced at the October 11 regular meeting*

I. Bill No 64-2010 – amending the Code of Ordinances of the City of Reading, Berks County, Pennsylvania, Chapter 15 Motor Vehicles and Traffic, Part 5 Parking Meters, Section 15-503 thereby removing Saturdays as an excepted day for enforcement **(Law)** *Introduced at the October 11 regular meeting*

J. Bill No 65-2010 – amending the Code of Ordinances of the City of Reading, Berks County, Pennsylvania, Chapter 15 Motor Vehicles and Traffic, Part 5 Parking Meters, Section 15-504 Thereby extending hours of enforcement between 8:00 am and 8:00 pm **(Law)** *Introduced at the October 11 regular meeting*

10. INTRODUCTION OF NEW ORDINANCES

A. Ordinance - amending the Animal Control ordinance by limiting the number of cats and dogs per household **(Legislative Aide Committee/Council Staff)**

B. Ordinance - amending the City of Reading Codified Ordinances Chapter 1 Administration and Government, Section 186 Fiscal Provisions by providing clarifying language regarding Council approval of transfers to and from all City fund accounts **(Waltman/Council Staff)**

Pending Legislation

Bill No. 30 - 2010 - authorizing the Mayor to execute any and all documents required to effectuate the transfer of ownership of certain premises situate in Ontelaunee Township, Berks County, PA from the City of Reading to Ontelaunee Township **(Law)** *Introduced at the June 15 regular meeting; Tabled at the July 12 and July 26 regular meetings*

Bill No. 34-2010 – establishing a four-way stop intersection at N. 13th St and Richmond St in the City of Reading, Pennsylvania **(Public Works)** *Introduced at the July 12 regular meeting; Tabled at the July 26 regular meeting; Second Traffic Study Requested*

Ordinance - approving the enactment of the Ordinance authorizing (1) the issuance of a series of General Obligation Bonds in the maximum aggregate principal amount of not to exceed \$20,000,000, to finance the funding of certain unfunded debt of the City and to pay the costs of issuance of the Bonds; (2) the execution and delivery of (a) a Bond Purchase Proposal from Wells Fargo Bank, National Association for the purchase of the Bonds on the terms and conditions established in the Ordinance and (b) an Addendum to such Bond Purchase Proposal which will be delivered by Wells Fargo Bank, National Association upon the final pricing of the Bonds and (3) the execution and delivery of such other agreements, certificates, instruments and documents necessary in connection with the issuance of the Bonds subject to the review and approval of such agreements, certificates, instruments and documents by bond counsel to the City **(Finance)** *Introduced at the September 27 regular meeting*

Ordinance – levying the Real Estate taxes at a rate of tax of fourteen and five hundred and seventy three thousandths mills (0.014573) on the dollar, or fourteen dollars and fifty seven point three cents (\$14.573) on each one thousand dollars for the fiscal year beginning the first day of January 2011 and ending the thirty-first day of December 2011 **(Finance)** *Introduced at the October 4 special meeting*

Ordinance – amending Chapter 24 Park 2B Home Rule Earned Income Tax section 24-221 through section 24-235 of the City of Reading Codified Ordinances. Section 24-221 through section 24-235 shall provide for a tax of one and six tenths percent (1.6%) on all earned income and net profits generated by residents of the City of Reading. This tax of one and six tenths percent (1.6%) on all earned income and net profits generated by residents of the City of Reading shall be in addition to the tax collected under 24-201

Et Seq. of the City of Reading Codified Ordinances **(Finance) *Introduced at the October 4 special meeting***

Ordinance – establishing the Full Time Employee Positions for the City of Reading for the fiscal year 2011 **(Finance) *Introduced at the October 4 special meeting***

Ordinance – establishing the budget for the funds of the City of Reading including revenues and expenses for the fiscal year beginning January 1, 2011 and ending December 31, 2011 **(Finance) *Introduced at the October 4 special meeting***

Ordinance – establishing the Capital Improvement Plan budget for the city of Reading including capital expenditures and revenues for the fiscal year beginning January 1, 2011 and ending December 31, 2011 **(Finance) *Introduced at the October 4 special meeting***

Ordinance – providing for a tax of up to a maximum of one and three tenths percent (1.3%) on all earned income and net profits generated in the City of Reading by non-residents of the City of Reading **(Finance) *Introduced at the October 4 special meeting***

11. RESOLUTIONS

A. Resolution - authorizing the Mayor to execute a FFY2010 (36th CD year - January 1, 2010 to December 31, 2010) Action Plan Amendment to move \$114,140 in CDBG funding from the Barbey Playground activity to the renovation of the 9th and Marion, 8th and Court, Reed and Walnut Fire Station activities **(Community Development)**

12. PUBLIC COMMENT – GENERAL MATTERS

13. COUNCIL BUSINESS / COMMENTS

14. COUNCIL MEETING SCHEDULE

Monday, October 25

Budget Review (Fire and HR Expenditure Budgets) – Council Office – 4:30 pm

Committee of the Whole – Council Office – 5 pm

Regular Meeting – Council Chambers – 7 pm

Wednesday, October 27

Budget Review (Library & Non-Departmental Expenditures) – Council Office – 4:30 pm

Saturday, October 30

Budget Review (Leftovers and Follow-up) – Council Office – 9 am

Monday, November 1

General Fund Budget Public Hearing – Council Chambers – 5 pm

Administrative Oversight Committee – Council Office – 5:30 pm

Public Safety Committee – Council Office – 5:30 pm

****Tuesday, November 2****

City Hall Closed

Wednesday, November 3

Capital Improvement Fund Budget Public Hearing – Council Chambers – 5 pm

Monday, November 8

Committee of the Whole – Council Office – 5 pm

Regular Meeting – Council Chambers – 7 pm

Thursday, November 11

City Hall Closed for Veteran's Day Holiday

15. BAC AND COMMUNITY GROUP MEETING SCHEDULE

Monday, October 25

DID Authority – Reading Eagle 3rd Floor Conference Room – noon

BARTA – BARTA Office – 3 pm

District 7 Crime Watch – Holy Spirit Church - 7 pm

Tuesday, October 26

Housing Authority Workshop – WC Building – 4 pm

Housing Authority Meeting – WC Building – 5 pm

Environmental Advisory Council – Council Office – 5:30 pm

Planning Commission – Penn Room – 7 pm

Penn's Commons Neighborhood Group – Penn's Commons meeting room – 7 pm

Wednesday, October 27

Human Relations Commission – Penn Room – 5:30 pm

Parking Authority – Parking Authority Office – 5:30 pm

Outlet Area Neighborhood – St. Mark's Lutheran Church – 6:30 pm

18th & Cotton Community Crime Watch – St. Matthew's UM Church – 7 pm

Stadium Commission – Stadium RBI Room – 7:30 pm

Thursday, October 28

Water Authority – Penn Room – 4 pm

Monday, November 1

Centre Park Artifacts Bank – 705 N 5th St – noon

Shade Tree Commission – Planning Conference Room – 6 pm

Tuesday, November 2

Charter Board – Penn Room – 7 pm

Wednesday, November 3

Reading Elderly Housing Crime Watch – Front & Washington Sts – 2:30 pm

Board of Health – Penn Room – 6 pm

District 2 Crime Watch – St. Paul's Lutheran Church – 6:30 pm

Thursday, November 4

Police Civil Service Board – Penn Room – 1 pm

Glenside Community Council – Christ Lutheran Church – 6:30 pm

District 3 Crime Watch – Calvary Baptist Church – 7 pm

Monday, November 8

Fire Civil Service Board – Penn Room – 4 pm

6th & Amity Neighborhood & Playground Assn – 6th & Amity Fieldhouse – 6:30 pm

CITY COUNCIL MEETING MONDAY, OCTOBER 11, 2010

A regular meeting of City Council was held on the above date for the transaction of general business.

Vaughn D. Spencer, President of Council, called the meeting to order.

The invocation was given by Pastor Eileen Smith Levan, Nativity Lutheran Church.

All present pledged to the flag.

ATTENDANCE

Council President Spencer
Councilor Acosta, District 1
Councilor Goodman-Hinnershitz, District 2
Councilor Sterner, District 3
Councilor Marmarou, District 4
Councilor Reed, District 5
Councilor Waltman, District 6
Interim Managing Director C. Geffken
City Auditor D. Cituk
City Clerk L. Kelleher
City Solicitor C. Younger
Mayor T. McMahon
Mayor's Assistant F. Denbowski
Public Works Director C. Jones

PROCLAMATIONS AND PRESENTATIONS

- Council Commendation recognizing Columbus Day, accepted by the Knights of Columbus

PUBLIC COMMENT

Council President Spencer announced that two (2) citizens are registered to address Council on agenda matters and one (1) citizen is registered to address Council on non-agenda matters. He inquired if any Councilor objected to suspending the rule requiring non-agenda comment at the end of the meeting. As no one objected, the rule requiring non-agenda comment at the end of the meeting was suspended. He reminded those registered of the remaining public speaking rules.

Kermit Krick, of Pershing Boulevard, stated that he owns the Wyomissing Park Apartments with other family members. He stated that last year the City billed 2008 and 2009 rental registration in November 2009 with a due date of February 2010. He stated that Wyomissing Park Apartments owed \$10.3K. He stated that this year the City sent bills for rental registration at the end of September with a November 15th due date. He

expressed his opposition to the 100% increase in the rental registration fee. He also expressed his displeasure in the short time line to make payment. He noted the difficulty he and other property owners have maintaining their properties with the various tax and fee increases. He questioned the rationale behind the 100% increase in the housing registration fee. He stated that if he increased rental prices by 100% he would have a vacant building.

Judy Henry, of South 4th Street, stated that she is the owner of Judy's On Cherry Street and expressed concerns with the proposed parking fine increases and the extension of the enforcement hours for parking regulations. She read a statement questioning the rationale behind the fee increases and noted the negative impact these increases will have on small businesses. She stated that the use of parking meters began prior to the establishment of the suburban mall. She expressed the belief that the increase in parking meter fees and the extension of enforcement hours will be a detriment to her patrons.

Glen Rigg, of South 5th Street, also expressed concern with the proposed extension of parking enforcement hours and the increase in non-moving violations. He expressed the belief that many similar increases have pushed many businesses out of the City. He also noted the stress these increased fees will place on small business.

CONSENT AGENDA LEGISLATION

A. Award of Contract - for Sodium Silicofluoride for the City of Reading, on behalf of the Reading Area Water Authority, to Thatcher Company of New York, P.O. Box 27407, Salt Lake City, Utah 84127-0407, who is the low bidder, at a price of \$0.44/pound for approximately 80,000 pounds, for a total bid price of \$35,200.00 **(Purchasing)**

B. Award of Contract - for Zinc Orthophosphate for the City of Reading, on behalf of the Reading Area Water Authority, to Carus Phosphates, Inc., 315 Fifth Street, Peru, IL 61354, who is the low bidder, at a price of \$4.51/gallon for approximately 10,000 gallons, for a total bid of \$41,500 **(Purchasing)**

C. Award of Contract - for Aluminum Sulfate for the City of Reading, on behalf of the Reading Area Water Authority, to Delta Chemical Corp., 2601 Cannery Avenue, Baltimore, MD 21226-1595, who is the low bidder, at a price of \$246.10/dry ton for approximately 1,500 dry tons, for a total bid of \$369,150.00 **(Purchasing)**

D. Award of Contract - for Cationic Polymer Flocculant for the City of Reading, on behalf of the Reading Area Water Authority, to Atlantic Coast Polymers, Inc., 6207 Bee Caves Road, Suite 180, Austin, Texas, who is the low bidder, at a price of \$1.549/pound for approximately 60,000 pounds, for a total bid of \$92,940.00 **(Purchasing)**

E. Award of Contract - for Liquid Chlorine for the Department of Public Works and City of Reading, on behalf of the Reading Area Water Authority, for approximately

606,000 pounds of liquid chlorine to Univar USA Inc., 532 East Emaus Street, Middletown PA 17057, who is not the low bidder for the 150 pound cylinders but not for the one ton cylinders, for an approximate total bid price of \$153,300.00. The low bid for the one ton cylinders was rejected due to past poor performance and safety concerns and issues **(Purchasing)**

F. Award of Contract - for Sodium Phosphate for the City of Reading, on behalf of the Reading Area Water Authority, to Shannon Chemical Corp., P.O. Box 376, Malvern, PA 19355 who is the low bidder, at a price of \$4.04 gallon for approximately 20,000 gallons, for a total bid of \$80,800.00 **(Purchasing)**

G. Award of Contract - for Sodium Hydroxide for the Department of Public Works and City of Reading, on behalf of the Reading Area Water Authority, for the 25% NaOH diaphragm grade delivered in bulk, the 50% NaOH diaphragm grade delivered in bulk and the emergency 20% NaOH diaphragm grade to Basic Chemical Solutions, who is the low bidder for the 25% NaOH delivered in bulk and the emergency 20% NaOH, at the submitted unit prices of \$0.63/gallon, \$1.31/gallon and \$0.51/gallon respectively. It is also the recommendation to award the 25% NaOH diaphragm grade delivered in totes to Univar USA, who is the low bidder, at the submitted unit price of \$297.00/tote. These awards bring the estimated total bid price to \$213,750 **(Purchasing)**

APPROVAL OF AGENDA & MINUTES

Council President Spencer called Council's attention to the agenda for tonight's meeting and the minutes from the September 13th, 20th, 27th, and October 4th meetings. He noted the need to add three (3) ordinances for introduction as follows:

- Two (2) ordinances regarding parking enforcement
- One (1) ordinance regarding the local services tax

Councilor Goodman-Hinnershitz recalled Bill 55-2010 from the pending legislation box for action tonight.

Councilor Goodman-Hinnershitz moved, seconded by Councilor Sterner, to approve the minutes from the September 13th, 20th, 27th and October 4th meetings, along with the agenda as amended. The motion was approved unanimously.

ADMINISTRATIVE REPORT

Mayor McMahon read the report distributed to Council at the meeting covering the following:

- Noting the introduction of two (2) separate ordinances that will add three (3) Property Maintenance Aides to the Codes Division and add a Program Manager to the Community Development Department
- Requesting that the Reading Area Water Authority consider a modest rate increase
- Announcing the Core Communities Crisis Meeting at Albright College

Councilor Reed questioned the viability of the bottling plant located in District 6, which could create walk to work jobs for District 5 residents. Mayor McMahon replied that he has nothing new to report and that the new owner of the bottling plant is attempting to obtain funding for the project.

Councilor Reed inquired about the Administration's activities regarding economic development in the City. Mayor McMahon stated that the City is currently focusing on gateway areas.

Council President noted that the Act 47 recovery plan requires an economic development plan in early 2011. Councilor Goodman-Hinnershitz requested updates on crime in Council Districts prior to information being released to the press.

Councilor Waltman expressed the belief that the increase in crime is relative to the City's housing and financial issues. He expressed the belief that the City has reached a point beyond a diminishing point of return. He noted the need for Council and the public to hold the Administration accountable.

Councilor Waltman inquired if the agreement regarding traffic management that was negotiated with the prior bottling plant owner was included in the new agreement. Mayor McMahon stated that the traffic management issue was included when the agreement transferred to the new owner. He stated that the City is currently working to extend River Road to ease the truck traffic in the adjoining residential neighborhood. Public Works Director Jones stated that the extended River Road will follow Spring Street under the Schuylkill Avenue Bridge. The feasibility study on the extension of River Road is expected to be complete early next year. He stated that when the study is completed the City must then seek funding and RATS (Reading Area Traffic Study) approval. He noted that the extension of River Road will open other economic development doors.

Councilor Reed noted that the School District's abandonment of the plan to construct magnet schools at Windsor and Ritter may provide additional economic development opportunity at this blighted site.

AUDITOR'S REPORT

City Auditor Dave Cituk read the report distributed to Council at the meeting covering the following:

- Update on TRAN interest rates 2000-2010
- Collection of Real Estate Transfer Tax
- Municipal Sewage rate calculations between 2000-2012

ORDINANCES FOR FINAL PASSAGE

Bill No. 69-2010 - amending the City of Reading Codified Ordinances, Chapter 1 Administration and Government, Section 1-186 Financial Provisions, Part 14 A Approval

of Contracts by decreasing the contract value requiring Council approval (**Council Staff**)

This Bill was withdrawn.

Bill No. 76-2010 - amending the City of Reading Codified Ordinances Chapter 15 Motor Vehicles and Traffic, Section 15-416 increasing the violation for various parking regulations as required by the Act 47 Recovery Plan (RE03 & PA02) (**Bus Analyst**)

Interim Managing Director Geffken asked that this ordinance be withdrawn so it can be presented with other parking fine increases.

Bill No. 55-2010 - authorizing the execution of the memorandum of understanding for the City Fire Training Center

Councilor Acosta moved, seconded by Councilor Goodman-Hinnershitz, to enact Bill 55-2010.

Council President Spencer stated that the enactment of this ordinance will abandon the current lease agreement for the Fire Training Center with the County. He stated that the County Commissioners want the Fire Training Center to transfer to County ownership.

Councilor Goodman-Hinnershitz noted that the latest version of the memorandum of understanding as presented by Commissioner Barnhardt is under Council's consideration this evening.

Interim Managing Director Geffken stated that the Administration favors the enactment of this ordinance.

Council President Spencer noted that the City has already transferred the airport to the County; however the County has been unwilling to reconsider providing additional assistance to the Reading Public Library. He stated that he is concerned about addressing this issue before the Commissioners reconsider their position on the Reading Public Library. He thanked Commissioner Barnhardt for his efforts to guide the City through this transaction.

Councilor Waltman stated that this issue began approximately 10 years ago with the approval of a three part agreement for the Library, Fire Training Center, and Airport. He stated that the agreement seemed right at the time but questioned if this steps away from the original intent of the agreement. He also took issue with the belief that the City does not work well with the County.

Councilor Sterner expressed concern that the agreement allows the City to purchase the land back for \$1 but requires the City to purchase any buildings on property back for fair market value.

Councilor Reed expressed her belief that this is the right move at the right time.

Councilor Marmarou expressed his agreement with the many pro and cons noted this evening. He noted the need for a valuation of the building before action is taken. He agreed with the need for this City and County to work cooperatively.

Councilor Acosta expressed hoped that his action will encourage the Commissioners to approve the City's LERTA.

Councilor President Spencer stated that he will not support this ordinance due to various issues.

Bill 55-2010 was enacted by the following vote:

Yea: Acosta, Goodman-Hinnershitz, Marmarou, Reed, Waltman- 5.

Nay: Sterner, Spencer, President - 2.

INTRODUCTION OF NEW ORDINANCES

Council President Spencer read the following ordinances into the record:

A. Ordinance - An ordinance of the City of Reading Codified Ordinances, Chapter 4, Part 1 Historical Districts by extending enforcement authority to Property Maintenance Inspectors and Supervisors and Zoning Enforcement Officers **(Council Staff)**

B. Ordinance - amending the 2010 City of Reading Full Time Position Ordinance by adding the position of Controller in the Department of Finance **(Business Analyst)**

C. Ordinance - amending Code of Ordinances of the City of Reading, Berks County, Pennsylvania, Chapter 1 Administration and Government, Part 6 Pensions, D. Officers & Employees Pension Fund, Section 1-678 Disability Benefits **(Law)**

D. Ordinance - amending Code of Ordinances of the City of Reading, Berks County, Pennsylvania, Chapter 1 Administration and Government, Part 6 Pensions, D. Officers & Employees Pension Fund, Section 1-682 Refund of Contribution **(Law)**

E. Ordinance - amending the Code of Ordinances of the City of Reading, Berks County, Pennsylvania, Fee Schedule, Administrative Fees, Police Department, Division of Codes Fees **(Council Staff)**

F. Ordinance – Amending the 2010 Full Time Position Ordinance by adding three (3) Property Maintenance Aide positions in the Property Maintenance & Inspection Division, under the Police Department.(Business Analyst)

G. Ordinance - Amending the 2010 Full Time Position Ordinance by adding one (1) Program Managers under Community Development .(Business Analyst)

H. Ordinance - extending the hours of enforcement at parking meters (Law)

I. Ordinance – authorizing the enforcement of parking meter regulations on Saturday's (Law)

J. Ordinance – amending the Local Services Tax (LST) by redefining "Tax Manager" and "Treasurer"

RESOLUTIONS

Resolution 90-2010 - That the Mayor of the City of Reading is authorized to file an application for DCED funds in the amount of four hundred thousand dollars (\$400,000.00) for the "Entertainment Square Restaurant at Second & Washington Streets" project and to execute any and all necessary documents and to carry out all procedures as required by the Commonwealth of Pennsylvania. In addition, the City of Reading will: (1) assume the provision of the full local share of the project costs; and (2) reimburse the Commonwealth for the DCED's share of any expenditures found by DCED to be ineligible. The City Clerk is directed to execute a certificate attesting to the adoption of this Resolution and to furnish a copy to the DCED (Law)

Councilor Sterner moved, seconded by Councilor Marmarou, to adopt Resolution 90-2010.

Council President Spencer provided some background. Mayor McMahon stated that this application will help the City attract restaurants in the 2nd and Washington Street area.

Resolution 90-2010 was adopted by the following vote:

Yea: Acosta, Goodman-Hinnershitz, Marmarou, Reed, Sterner, Waltman, Spencer, President- 7.

Nay: None - 0.

B. Resolution 91–2010 reappointing Phillip Dougherty to the Fire Civil Service Board (**Admin Oversight**)

C. Resolution 92–2010 reappointing William Vitale as an alternate to the Fire/Building Code Board of Appeals (**Admin Oversight**)

D. Resolution 93–2010 reappointing Burlee Adams to the Berks County Convention Center Authority (**Admin Oversight**)

E. Resolution 94–2010 appointing Tori DiPiazza to the Animal Control Board as a representative of the Animal Rescue League (**Admin Oversight**)

F. Resolution 95–2010 reappointing Steven Belinski to the Housing Authority (**Admin Oversight**)

G. Resolution 96–2010 appointing Jose Molina to the City-wide Diversity Board as a representative of the PSLC (**Admin Oversight**)

H. Resolution 97–2010 appointing Lourdes Torres to the City-wide Diversity Board (**Admin Oversight**)

The Administrative Oversight Committee moves to adopt Resolutions 91-97 - 2010.

Councilor Marmarou noted the skill and abilities of the individuals applying to serve on the City's boards and authorities.

Resolutions 91-97-2010 were adopted by the following vote:

Yea: Acosta, Goodman-Hinnershitz, Marmarou, Reed, Sterner, Spencer, President- 7.

Nay: None - 0.

Resolution 98-2010 authorizing the Mayor, on behalf of the City, to sign and enter into an agreement titled Winter Traffic Services five-year contract with the Pennsylvania Department of Transportation for the City to perform snow and ice clearance for State highways and bridges (**Public Works**)

Councilor Goodman-Hinnershitz moved, seconded by Councilor Acosta, to adopt Resolution 98-2010

Resolution 98-2010 was adopted by the following vote:

Yea: Acosta, Goodman-Hinnershitz, Marmarou, Reed, Sterner, Waltman, Spencer, President- 7.

Nay: None - 0.

Resolution 99-2010 Approving the Conditional Use application submitted by William Nunez, as amended, for three (3) rental units at 117 South 3rd Street, with conditions as expressed in the attached decision (**Council Staff/Law**)

Councilor Acosta moved, seconded by Councilor Reed, to adopt Resolution 99-2010.

Councilor Reed expressed her belief in the intent of the property owner and his desire to improve the neighborhood.

Councilor Goodman-Hinnershitz concurred with Councilor Reed's comments and noted the need to include the reference to the City's disruptive conduct ordinance in all Conditional Use permits decisions.

Councilor Waltman noted the need to provide balance in housing issues.

Resolution 99-2010 was adopted by the following vote:

Yea: Acosta, Goodman-Hinnershitz, Marmarou, Reed, Sterner, Waltman, Spencer, President- 7.

Nay: None - 0.

Resolution 100-2010 That the Mayor of the City of Reading is authorized to file an application for "RACP" funds in the amount of \$ 12.250 million dollars (\$12,250,000.00) for the Double Tree Hotel Project and to execute any and all necessary documents and to carry out all procedures as required by the Commonwealth of Pennsylvania **(Law)**

Councilor Acosta moved, seconded by Councilor Reed, to adopt Resolution 100-2010.

Councilor President Spencer explained that this application will enable the City to access funds set aside by the State.

Resolution 100-2010 was adopted by the following vote:

Yea: Acosta, Goodman-Hinnershitz, Marmarou, Reed, Sterner, Waltman, Spencer, President- 7.

Nay: None - 0.

Resolution 101-2010 authorizing the exoneration of outstanding City property tax, penalties and interest for the year 2010 for 1054 Benner's Court, Reading, Berks County, Pennsylvania **(Finance)**

Councilor Goodman-Hinnershitz moved, seconded by Councilor Acosta, to adopt Resolution 101-2010.

Resolution 101-2010 was adopted by the following vote:

Yea: Acosta, Goodman-Hinnershitz, Marmarou, Reed, Sterner, Waltman, Spencer, President- 7.

Nay: None - 0.

Mayor McMahon left the meeting at this point in time.

COUNCIL COMMENT

Councilor Sterner expressed his congratulations to those receiving Commendations this evening and his thanks to those citizens who registered for Public Comment. He noted the many difficult decisions that Council will need to make when addressing the 2011 budget.

Councilor Marmarou noted the lack of communication regarding the tire slashing spree that occurred in District 4 over the past weekend. He stated that approximately fifty-one (51) cars were damaged.

Councilor Reed noted the upcoming District 5 town meeting at the Muhlenberg Rec Center located on River Road. She stated that the meeting will focus on a variety of issues, including the construction of modular homes in the Riverdale area. The meeting is scheduled for October 14th at 6pm.

Councilor Acosta stated that he did not support the increase in the rental registration fee. He also noted his congratulations to the Roberto Clemente baseball league. Councilor Goodman-Hinnershitz noted the upswing in crime in District 2. She stated that a meeting is planned for this Wednesday at 6 pm at Saint John's Church hosted by the Southeast People's Voice. All District 2 community groups and Crime Watches will be invited to the meeting.

Councilor Goodman-Hinnershitz noted the great success of the Road Rally held to benefit the Pagoda over the past weekend.

Council President Spencer noted the need for the City to correct many housing issues. He stated that the increase in the rental registration fee was recommended by the Maximus Fee Study which showed that the City's costs were not being covered.

Council President Spencer reviewed the Council meeting schedule.

Council President Spencer that after the meeting adjourned Council will meet in a brief Executive Session with the Solicitor to discuss litigation.

Councilor Acosta moved, seconded by Councilor Reed, to adjourn the regular meeting of Council.

Linda Kelleher CMC, City Clerk



AGENDA MEMO

FINANCE DEPARTMENT

TO: City Council
FROM: Tammi Reinhart, Purchasing Coordinator
PREPARED BY: Tammi Reinhart, Purchasing Coordinator
MEETING DATE: October 25, 2010
AGENDA MEMO DATE: October 18, 2010
RECOMMENDED ACTION: Awarding of Contract for Motor Oils and Lubricants for the Department of Public Works and the RAWA.

RECOMMENDATION

The recommendation is to split the award of the contract between PPC Lubricants, 305 Micro Drive, Jonestown, PA 17038, and Craft Oil, 837 Cherry Street, Avoca, PA, 18641, at the unit prices submitted. PPC Lubricants and Craft Oil are the low bidders to meet the specifications.

BACKGROUND

Bids for motor oils and lubricants for the Department of Public Works and the Reading Area Water Authority were received on August 19, 2010. This bid was issued by the Berks County Cooperative Purchasing Council (BCCPC) with the City being the lead municipality in the bidding procedures. The BCCPC combined the requirements of five (5) municipalities to achieve better pricing due to higher estimated quantities.

A copy of the Schedule of Bids is attached for your review.

BUDGETARY IMPACT

The Department of Public Works and Accounting have confirmed there are sufficient funds in budget account code 54-07-44-4406 to cover the cost of motor oils and lubricants for year 2010. Additional funding for 2011 has been requested in the 2011 budget. The City anticipated usage of each motor oil and lubricant is noted on the attached schedule of bids.

PREVIOUS ACTION

None

SUBSEQUENT ACTION

Formal action by Council is needed to award the contract at the October 25, 2010 meeting.

RECOMMENDED BY

Mayor, Interim Managing Director, Directors of Public Works and Administrative Services, Purchasing Coordinator, and the BCCPC.

RECOMMENDED MOTION

Approve/Deny the recommendation for the purchase of Motor Oils and Lubricants.

cc: File

August 19, 2010

To the Mayor

City Hall

Reading, PA

The following bids were opened and scheduled, with a Contract to be awarded or the bids rejected.

BID NO. 8002-10 FOR FURNISHING MOTOR OILS AND LUBRICANTS FOR THE CITY OF READING, ON BEHALF OF THE BERKS COUNTY COOPERATIVE PURCHASING COUNCIL.

DESCRIPTION	QUANTITY	EXTENDED PRICE
VENDOR - PRODUCT BID	UNIT PRICE	CRL UNIV SYN ATF - 55 GALLON DRUMS
6	Reading	
*** Craft Oil Corp. - Service Pro Multivehicle Syn ATF	\$512.56	Spring Town. \$3,075.36
MacMillan Oil Co. - MacMillan brand	\$519.99	\$3,119.94
PPC Lubricants - MAG 1 Multi Vehicle ATF	\$515.90	\$3,095.40
6	Reading	GLOBAL LIFETIME ANTIFREEZE & COOLANT - 55 GALLON DRUMS
Craft Oil Corp. - Service Pro All Makes/Models AF	\$379.50	Kenhorst \$2,277.00
MacMillan Oil Co. - Pride Univ. Gold concentrate (a)	\$435.95	Perry Town. \$2,615.70
*** PPC Lubricants - Peak Global AF 50/50	\$320.65	\$1,923.90
CHEVRON CJ4 15/40 ENGINE OIL - 55 GALLON DRUMS	15	Spring
*** Craft Oil Corp. - Mobil Fleet 15w40 CJ4	\$383.63	Upper Bern \$5,754.45
MacMillan Oil Co. - MacMillan brand	\$380.00	Wash \$5,700.00
PPC Lubricants - Chevron Ursa EC 15W-40	\$530.75	Reading \$7,961.25
CHEVRON SUPREME 5/20 ENGINE OIL - 55 GALLON DRUMS	2	Spring Town
Craft Oil Corp. - Mobil Clean 5W20	\$370.75	\$741.50
MacMillan Oil Co. - MacMillan brand	\$390.00	\$780.00
*** PPC Lubricants - MAG 1 Syn. Blend 5W-20	\$349.80	\$699.60
CHEVRON SUPREME 10/30 ENGINE OIL - 55 GALLON DRUMS	10	
Craft Oil Corp. - Mobil Clean 10W30	\$343.50	Reading \$3,435.00
MacMillan Oil Co. - MacMillan brand	\$345.00	Kenhorst \$3,450.00
*** PPC Lubricants - MAG 1 10W 30	\$333.30	\$3,333.00
CHEVRON SUPREME SAE 10 ENGINE OIL - 55 GALLON DRUMS	2	Reading
Craft Oil Corp. - as specified	NO BID	NO BID
MacMillan Oil Co. - MacMillan brand	\$420.00	\$840.00
*** PPC Lubricants - MAG 1 10W	\$349.25	\$698.50
CHEVRON SUPREME SAE 30 ENGINE OIL - 55 GALLON DRUMS	3	Reading
Craft Oil Corp. - Mobil Delvac 1630	\$585.99	\$1,757.97
MacMillan Oil Co. - MacMillan brand	\$435.00	\$1,305.00
*** PPC Lubricants - MAG 1 30W	\$375.10	\$1,125.30
AMSOIL DIESEL & MARINE 15/40 - 55 GALLON DRUMS	1	Kenhorst
Craft Oil Corp. - Mobil Delvac 1 ESP 5w40	\$1,379.14	\$1,379.14
MacMillan Oil Co.	NO BID	
*** PPC Lubricants - Castrol Hypron 15W 40	\$562.65	\$562.65

ORDINANCE NO. _____-2010

AN ORDINANCE THE CITY OF READING CODIFIED ORDINANCES, CHAPTER 4, PART 1 HISTORICAL DISTRICTS BY EXTENDING ENFORCEMENT AUTHORITY TO PROPERTY MAINTENANCE INSPECTORS AND SUPERVISORS AND ZONING ENFORCEMENT OFFICERS.

THE COUNCIL OF THE CITY OF READING HEREBY ORDAINS AS FOLLOWS:

SECTION ONE. Amending the City of Reading Codified Ordinances Chapter 4, Part 1 Historical Buildings Sections 106 and 122 by extending enforcement authority to Property Maintenance Inspectors and Supervisors and Zoning Enforcement Officers as set forth in Exhibit A attached.

SECTION TWO. All other parts of the Ordinance remain unchanged.

SECTION THREE. All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed.

SECTION FOUR. This ordinance shall become effective ten (10) days after its adoption in accordance with Sections 219 and 221 of the City of Reading Home Rule Charter.

Enacted by Council _____, 2010

President of Council

Attest:

City Clerk

Submitted to Mayor: _____

Date: _____

Received by the Mayor's Office: _____

Date: _____

Approved by Mayor: _____

Date: _____

Vetoed by Mayor: _____

Date: _____

EXHIBIT A

§4-106. Enforcement and Administration.

6. Enforcement Notice.

A. Following an inspection of a building or structure located in a designated historic district, if it appears to the Preservation Officer, Property Maintenance Inspector, Property Maintenance Supervisor or Zoning Enforcement Officer that a violation of any provision of this Part has occurred, enforcement proceedings shall be initiated by sending a notice of violation as provided in this Section. Copies of the notice of violation shall be filed in the Zoning Office, Property Maintenance Division and Historic Preservation Office.

B. Enforcement notice shall be sent to the owner of record of the parcel on which the violation has occurred, to any known occupant (if different from the owner), or to any person who has filed a written request to receive enforcement notices regarding the property.

C. An enforcement notice shall state at a minimum the following:

- (1) The name of the owner of record and any other person against whom the Preservation Officer, Property Maintenance Inspector, Property Maintenance Supervisor or Zoning Enforcement Officer intends to take action.
- (2) Location of the property in violation.
- (3) The specific violation, with a description of the requirements which have not been met, citing in each instance the applicable provisions of this Part.
- (4) The date before which the steps for compliance must be commenced and the date before which the steps must be completed.
- (5) That the recipient of the notice has a right to appeal to the Reading Board of Historical Architectural Review within 14 days of the receipt of the notice by completing a COA application and submitting it to the Preservation Officer for review by the Board at the next regularly scheduled meeting.
- (6) Any person who authorizes or continues any work on any structure, building, sign or premises after having been served with an enforcement notice, except such work as is directed by the City to be performed, shall be in violation of this Part and subject to remedies set forth in §4-122 hereof.
- (7) Any person who has been served with an enforcement notice or discontinues or abandons work shall not leave any structure, building, sign or premises in such condition as to be hazardous to the public health, safety and welfare.

D. Stop Work Orders.

(1) Upon notice from the Preservation Officer, Property Maintenance Inspector, Property Maintenance Supervisor or Zoning Enforcement Officer that the work on any building, structure, or premises is conducted contrary to the provisions of this Part, such work shall be stopped immediately. The stop work order shall be posted by the Building Inspector, Property Maintenance Inspector, Property Maintenance Supervisor or Zoning Enforcement Officer on the property involved and shall state the conditions under which work may be resumed.

(2) Any person who authorizes or continues any work on any building, structure, or premises after the posting of a stop work order thereon shall be in violation of this Part and subject to the penalties as set forth in §4-123.

(3) Following the posting of a stop work order any person who discontinues or abandons work shall not leave any building, structure, or premises in such condition as to be hazardous to the public health, safety and welfare. In the event that any building, structure, or premises is abandoned or left in a condition which, in the opinion of the Building Inspector, constitutes a hazard to the public health, safety and welfare, the Preservation Officer may declare the same to be a nuisance. Such hazard shall, thereafter, be abated as permitted by statute or ordinance.

(Ord. 35A-2005, 5/23/2005, §1; as amended by Ord. 16-2009, 6/8/2009, §2; and by Ord. 43-2009, 8/10/2009, §1)

§4-122. Violations.

1. **Notice.** The Preservation Officer, Property Maintenance Inspector, Property Maintenance Supervisor or Zoning Enforcement Officer shall serve a notice of violation on the person in violation of this Part or of a plan approved under the provisions of this Part or in violation of a permit or certificate of appropriateness issued under the provisions of this Part. Such notice shall direct the restraint, correction or abatement of such violation.

2. **Prosecution.** If the violation is not abated within the time specified in the notice of violation, the Preservation Officer, Property Maintenance Inspector, Property Maintenance Supervisor or Zoning Enforcement Officer shall institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation.

(Ord. 35A-2005, 5/23/2005, §1)

§4-123. Penalty.

Whoever violates the provisions of this Part or fails to comply with any of the requirements thereof or conducts activities in violation of a permit issued under the provisions of this Part or who, without having applied for and received an approved permit, conducts activities for which a permit is required under the terms of this Part

shall be guilty of a summary offense and fined not more than \$300 for each offense with costs. Each day that a violation continues shall be deemed a separate offense. (*Ord. 35A-2005, 5/23/2005, §1*)

BILL NO. ____-2010

AN ORDINANCE

**AN ORDINANCE AMENDING THE 2010 CITY OF READING FULL TIME POSITION
ORDINANCE BY ADDING THE POSITION OF CONTROLLER IN THE
DEPARTMENT OF FINANCE.**

THE COUNCIL OF THE CITY OF READING HEREBY ORDAINS AS FOLLOWS:

Section 1. Amending the City of Reading 2010 Full-time Position Ordinance as follows:

- 1) Adding the Position of Controller in the Department of Finance.

Section 2. This ordinance shall become effective ten (10) days after its adoption, in accordance with Section 221 of the City of Reading Home Rule Charter.

Enacted _____, 2010

President of Council

Attest:

City Clerk
(Business Analyst)

Submitted to Mayor: _____

Date: _____

Received by the Mayor's Office: _____

Date: _____

Approved by Mayor: _____

Date: _____

Vetoed by Mayor: _____

Date: _____

BILL NO. _____

AN ORDINANCE

AMENDING CODE OF ORDINANCES OF THE CITY OF READING, BERKS COUNTY, PENNSYLVANIA, CHAPTER 1 ADMINISTRATION AND GOVERNMENT, PART 6 PENSIONS, D. OFFICERS & EMPLOYEES PENSION FUND, SECTION 1-678 DISABILITY BENEFITS.

THE COUNCIL OF THE CITY OF READING HEREBY ORDAINS AS FOLLOWS:

SECTION 1. Code of Ordinances of the City of Reading, Berks County, Pennsylvania, Chapter 1 Administration and Government Part 6 Pensions, D. New Officers & Employees Pension Fund, Section 1-678 is hereby amended and shall read as follows:

Section 1-678. Disability Benefits.

If a participant becomes disabled, he/she shall be entitled to a monthly disability benefit. The monthly disability benefit shall be equal to the benefit accrued as of the date of disability. The minimum disability benefit shall be equal to 20% of average monthly compensation for the highest consecutive 5 years out of the last 10 years preceding the date of disability. In the event a participant becomes disabled prior to being employed by the City for a period of 10 years, the benefits shall be calculated as follows: average monthly compensation for the highest consecutive 5 years out of a total period of employment will be used. If a participant has completed less than 5 years of service as of the date of disability, average monthly compensation for the entire period of employment will be used. In the event the participant works less than a month prior to his disability, the average monthly compensation shall be determined by annualizing the compensation that the employee received on a daily basis so as to establish an average "monthly compensation".

SECTION 2. All remaining sections of Part 6 Pensions shall remain in effect as before.

SECTION 3. Any court determination that a portion of an amended section is unconstitutional or invalid shall not affect the remaining portion of said section or other ordinance sections.

SECTION 4. This ordinance shall become effective within ten (10) days of the date of passage and approval by the Mayor or override of the Mayor's veto.

Adopted _____, 200__

Council President

Attest:

City Clerk

BILL NO. _____

AN ORDINANCE

AMENDING CODE OF ORDINANCES OF THE CITY OF READING, BERKS COUNTY, PENNSYLVANIA, CHAPTER 1 ADMINISTRATION AND GOVERNMENT, PART 6 PENSIONS, D. OFFICERS & EMPLOYEES PENSION FUND, SECTION 1-682 REFUND OF CONTRIBUTION.

THE COUNCIL OF THE CITY OF READING HEREBY ORDAINS AS FOLLOWS:

SECTION 1. Code of Ordinances of the City of Reading, Berks County, Pennsylvania, Chapter 1 Administration and Government Part 6 Pensions, D. New Officers & Employees Pension Fund, Section 1-682 is hereby amended and shall read as follows:

Section 1-682. Refund of Contribution or Rollover.

Provided a participant has not filed an election to vest under Section 1-689, and ninety (90) days has passed since participant's employment was terminated, on termination of full-time employment, before a participant has met the eligibility requirements for early retirement, a refund or a direct rollover, if elected, shall be made of all contributions paid into the fund by such participant with interest compounded at the rate of 5% per annum. The participant shall have ninety (90) days from the date of termination of full-time employment to elect a direct rollover or a distribution by providing to the pension administrator the appropriate form evidencing such election. The form shall be prepared by the pension administrator and approved by the Board. Direct rollovers shall be administered in accordance with the following inset section, parts (a) to (f). In the case of death, such refund shall be paid to the participant's designated beneficiary, or, in the absence of such designation, to the participant's estate. Any participant who leaves employment subject to the provisions of this Part and is re-appointed, shall in order to receive credit for prior years of service repay to the fund the amount refunded by the fund with interest compounded at the rate of 5% per annum from the date of refund by the fund to the date of payment which shall be made within one (1) year from the date of re-appointment. In the event the payment is not made within the specified time limit, the right to obtain credit for prior years of service shall be lost for the applicable prior years' period.

- (a) A Distributee who receives a distribution from the Plan which is an Eligible Rollover Distribution may elect to transfer said**

distribution to an Eligible Rollover Plan specified by the Distributee in a Direct Rollover.

- (b) Notwithstanding any contrary provisions of this Section (except as otherwise required by Internal Revenue Code (IRC) Section 401 (a)(31), (i) a Direct Rollover can be elected for part of an Eligible Rollover Distribution only if the amount so elected is at least five hundred dollars (\$500), (ii) only one Eligible Rollover Plan may be designated for a Direct Rollover, (iii) a Direct Rollover election made with respect to one payment in a series of payments shall apply to all subsequent payments until another election is made by the Distributee, and (iv) no Direct Rollover election is required to be provided for an Eligible Rollover Distribution of less than two hundred dollars (\$200) (when aggregated with all other Eligible Rollover Distributions for the taxable year).
- (c) For purposes of this Section, the following terms shall have the meaning given to them in this subsection:

 - (1) “Direct Rollover” shall mean a payment by the Plan to the eligible retirement plan specified by the Distributee.
 - (2) “Distributee” shall mean (i) an employee or former employee and (ii) the employee’s or former employee’s surviving spouse and the employee’s or former employee’s spouse or former spouse who is an alternative payee under a qualified domestic relations order, as defined in IRC sect. 414(p), with respect to the interest of the spouse Or former spouse.
 - (3) “Eligible Retirement Plan” shall mean an individual retirement account described in IRC sect. 408 (a), an individual retirement annuity described in IRC sect. 408 (b), a qualified trust described in IRC sect. 401 (a), an annuity plan described in IRC sect. 403 (a), an eligible deferred compensation plan described in IRC sect. 457 (b) maintained by a state or political subdivision of a state, or an agency or instrumentality of a state or political subdivision of a state that will separately account for a Direct Rollover (from this Plan), and an annuity contract described in IRC sect. 403 (b).
 - (4) “Eligible Rollover Distribution” shall mean any distribution of all or any portion of the balance to the credit of the Distributee under the Plan, but excluding (as applicable) (i)

any distribution which is one of a series of substantially equal periodic payments (not less frequently than annually) made for the life (or life expectancy) of the Distributee and the Distributee's designated beneficiary or for a specified period of ten years or more, (ii) any distribution to the extent such distribution is required under IRC sect. 401 (a)(9), (iii) the portion of any distribution that is not includible in gross income (determined without regard to the exclusion for net unrealized appreciation with respect to employer securities.

(d) Effective January 1, 2008 and in conformance with IRC sect. 408A (c), Eligible Retirement Plan shall include a Roth IRA described in IRC sect. 408A (b).

(e) Effective January 1, 2010 and in conformance with IRC sect. 402 (c) (11), a Beneficiary eligible to receive a distribution from the Plan on account of a Participant's death may elect to transfer said distribution to an individual retirement plan (described in clause (i) or (ii) of IRC sect. 402 (c)(8) established by the Beneficiary for this purpose, provided that (i) the Beneficiary is not otherwise a Distributee, (ii) the Beneficiary is a designated beneficiary as defined in IRC sect. 401 (a)(9)(E), and (iii) the distribution would otherwise be an Eligible Rollover Distribution but for the requirement that the distribution be made to a Distributee.

(f) Elections and Direct Rollovers under this Section shall be made in accordance with procedures prescribed by the Plan Administrator in conformance with IRC sect. 401 (a)(31).

SECTION 2. All remaining sections of Part 6 Pensions shall remain in effect as before.

SECTION 3. Any court determination that a portion of an amended section is unconstitutional or invalid shall not affect the remaining portion of said section or other ordinance sections.

SECTION 4. This ordinance shall become effective within ten (10) days of the date of passage and approval by the Mayor or override of the Mayor's veto.

Adopted_____, 200__

Council President

Attest:

City Clerk

BILL NO. _____ 2010
AN ORDINANCE

**AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF
READING, BERKS COUNTY, PENNSYLVANIA, FEE SCHEDULE,
ADMINISTRATIVE FEES, POLICE DEPARTMENT, DIVISION OF CODES FEES.**

THE CITY OF READING HEREBY ORDAINS AS FOLLOWS:

SECTION 1: The Code of Ordinances of the City of Reading, Berks County, Pennsylvania, Fee Schedule, Administrative Fees, Police Department, Division of Codes Fees shall be and is hereby amended and shall hereafter be set forth as shown in Exhibit A attached hereto and made a part here.

Police	Codes	Vending Machine Enclosed	Annual Registration	\$12	Year of Inspection	\$45
Police		Vending Machine Public Right of Way	Annual Registration	\$20	Year of Inspection	\$40
Police		Enclosed Vending Machine Bank	Annual Registration	\$12 per unit	Year of Inspection	\$40 1-5 Machines \$60 6-10 Machines \$80 11-15 machines \$100 over 16 Machines

SECTION 2: All other items, parts, sections, etc. of the Code of Ordinances of the City of Reading, Berks County, Pennsylvania, which are contrary to the amended chart attached as Exhibit A are hereby repealed; otherwise all other parts, sections, etc. of said Code and Chapter shall remain in effect unchanged and likewise are ratified.

SECTION 3: This ordinance shall be effective ten (10) days after its adoption and approval by the Mayor, in accordance with Section 219 of the City of Reading Home Rule Charter.

Enacted _____, 2010

President of Council

Attest:

City Clerk

BILL NO. ____-2010
AN ORDINANCE

**AN ORDINANCE AMENDING THE 2010 CITY OF READING FULL TIME POSITION
ORDINANCE BY CREATING THREE (3) PROPERTY MAINTENANCE AIDES.
THE COUNCIL OF THE CITY OF READING HEREBY ORDAINS AS FOLLOWS:**

Section 1. Amending the City of Reading 2010 Full-time Position Ordinance as follows:

Adding three (3) Property Maintenance Aide positions in the Property
Maintenance & Inspection Division, under the Police Department.

Section 2. This ordinance shall become effective ten (10) days after its adoption, in
accordance with Section 221 of the City of Reading Home Rule Charter.

Enacted _____, 2010

President of Council

Attest:

City Clerk
(Business Analyst)

Submitted to Mayor: _____
Date: _____

Received by the Mayor's Office: _____
Date: _____

Approved by Mayor: _____
Date: _____

Vetoed by Mayor: _____
Date: _____

BILL NO. ____-2010
AN ORDINANCE

**AN ORDINANCE AMENDING THE 2010 CITY OF READING FULL TIME POSITION
ORDINANCE BY CREATING COMMUNITY DEVELOPMENT PROGRAM
MANAGER.**

THE COUNCIL OF THE CITY OF READING HEREBY ORDAINS AS FOLLOWS:

Section 1. Amending the City of Reading 2010 Full-time Position Ordinance as follows:

Adding one (1) Program Managers under Community Development.

Section 2. This ordinance shall become effective ten (10) days after its adoption, in accordance with Section 221 of the City of Reading Home Rule Charter.

Enacted _____, 2010

President of Council

Attest:

City Clerk
(Business Analyst)

Submitted to Mayor: _____

Date: _____

Received by the Mayor's Office: _____

Date: _____

Approved by Mayor: _____

Date: _____

Vetoed by Mayor: _____

Date: _____

BILL NO. _____

AN ORDINANCE

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF READING, BERKS COUNTY, PENNSYLVANIA, CHAPTER 24 TAXATION, SPECIAL, PART 4 LOCAL SERVICES TAX, SECTION 24-401 DEFINITIONS, THEREBY REDEFINING TERMS "TAX MANAGER" AND "TREASURER" FOR SAID PART 4.

THE CITY OF READING HEREBY ORDAINS AS FOLLOWS:

SECTION 1. The Code of Ordinances of the City of Reading, Berks County, Pennsylvania, Chapter 24 Taxation, Special, Part 4 Local Services Tax, Section 24-401, words "Tax Manager" and "Treasurer" shall be and are hereby amended and shall hereafter read as set forth in Exhibit A attached hereto and made a part hereof.

SECTION 2. All other items, parts, sections, etc. of the Code of Ordinances of the City of Reading, Berks County, Pennsylvania, Chapter 24 shall remain in effect unchanged and likewise are ratified.

SECTION 3. This ordinance shall be effective ten (10) days after its adoption and approval by the Mayor, or repassage by City Council over the Mayor's veto, in accordance with Section 219 of the City of Reading Home Rule Charter, or as set forth in Section 221 of the City of Reading Home Rule Charter.

Enacted _____, 2010

President of Council

Attest:

City Clerk

EXHIBIT A

TAX MANAGER – the person, public employee or private agency designated by City Council to collect and/or administer and/or enforce the Local Services Tax.

TREASURER – the Director of Administrative Services of the City of Reading and/or the private agency designated by City Council to receive returns and payments as mandated under Part 4 Local Services Tax.

BILL NO. _____

AN ORDINANCE

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF READING, BERKS COUNTY, PENNSYLVANIA, CHAPTER 15 MOTOR VEHICLES AND TRAFFIC, PART 5 PARKING METERS, SECTION 15-503 THEREBY REMOVING SATURDAYS AS AN EXCEPTED DAY FOR ENFORCEMENT.

THE CITY OF READING HEREBY ORDAINS AS FOLLOWS:

SECTION 1. The Code of Ordinances of the City of Reading, Berks County, Pennsylvania, Chapter 15 Motor Vehicles and Traffic, Part 5 Parking Meters, Section 15-503, shall be and is hereby amended and shall hereafter read as set forth in Exhibit A attached hereto and made a part hereof.

SECTION 2. All other items, parts, sections, etc. of the Code of Ordinances of the City of Reading, Berks County, Pennsylvania, Chapter 15 shall remain in effect unchanged and likewise are ratified.

SECTION 3. This ordinance shall be effective ten (10) days after its adoption and approval by the Mayor, or repassage by City Council over the Mayor's veto, in accordance with Section 219 of the City of Reading Home Rule Charter, or as set forth in Section 221 of the City of Reading Home Rule Charter.

Enacted _____, 2010

President of Council

Attest:

City Clerk

EXHIBIT A

Section 15-503. Sundays and Holidays Excepted.

Parking restrictions and limitations in any parking meter zone are exempted on Sundays and on holidays of New Year's Day, Memorial Day, Independence Day, Labor Day, Thanks-giving Day, Christmas Eve and Christmas Day unless otherwise posted.

BILL NO. _____

AN ORDINANCE

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF READING, BERKS COUNTY, PENNSYLVANIA, CHAPTER 15 MOTOR VEHICLES AND TRAFFIC, PART 5 PARKING METERS, SECTION 15-504 THEREBY EXTENDING HOURS OF ENFORCEMENT BETWEEN 8:00 A.M. AND 8:00 P.M.

THE CITY OF READING HEREBY ORDAINS AS FOLLOWS:

SECTION 1. The Code of Ordinances of the City of Reading, Berks County, Pennsylvania, Chapter 15 Motor Vehicles and Traffic, Part 5 Parking Meters, Section 15-504, shall be and is hereby amended and shall hereafter read as set forth in Exhibit A attached hereto and made a part hereof.

SECTION 2. All other items, parts, sections, etc. of the Code of Ordinances of the City of Reading, Berks County, Pennsylvania, Chapter 15 shall remain in effect unchanged and likewise are ratified.

SECTION 3. This ordinance shall be effective ten (10) days after its adoption and approval by the Mayor, or repassage by City Council over the Mayor's veto, in accordance with Section 219 of the City of Reading Home Rule Charter, or as set forth in Section 221 of the City of Reading Home Rule Charter.

Enacted _____, 2010

President of Council

Attest:

City Clerk

EXHIBIT A

Section 15-504. Time of Parking Limited by Zone; Hours of Operation.

On all days, other than those set forth in Section 15-503, parking in Parking Meter Zone 1 is hereby limited to a period of one (1) hour and in Parking Meter Zone 2 a period of two (2) hours, and in Parking Zone 3 a period of thirty (30) minutes between the hours of 8:00 A.M. and 8:00 P.M.

BILL NO. _____2010

AN ORDINANCE

AN ORDINANCE OF THE CITY OF READING AMENDING THE ANIMAL CONTROL ORDINANCE BY LIMITING THE NUMBER OF CATS AND DOGS PER HOUSEHOLD

Whereas; last year, when considering an amendment to the Animal Control Ordinance, City Council referred the issue concerning the limitation on the number of pets per household to the Legislative Aide Committee; and

Whereas; the Legislative Aide Committee found that several municipalities inside and outside Berks County have such limitations in effect to protect the public health and welfare of all residents.

NOW, THEREFORE, THE COUNCIL OF THE CITY OF READING HEREBY ORDAINS AS FOLLOWS:

SECTION 1. Amending Section 2-105 of the Animal Control Ordinance by adding the following language:

§2-105. Caring for Animals.

Section 1. See PA Crimes Code 18 Pa.C.S. §5511 - Cruelty to Animals.

Section 2. Limitation on the Number of Dogs and Cats per Dwelling

- a. No more than a total of six (6) dogs and cats shall be kept in any residential dwelling unless the City of Reading or its agent(s) finds that keeping more than six (6) dogs and cats is not a threat to the public's health, safety and welfare regarding sanitation, creation of a public nuisance or threatening to the health of persons living in the dwelling. The provisions of this part shall also apply to dogs and cats kept in an enclosure outside the dwelling.
- b. If the City of Reading or its agent(s) finds that a nuisance, public health or quality of life violation exists, the City of Reading or its agent(s) shall order the removal of all or a portion of the animals harbored at the residential dwelling, pursuant to Section 2-114 contained herein.

- c. The decision of the City or its agent(s) may be appealed to the Animal Control Board by filing a written request with the City Clerk's Office within ten (10) days after enforcement notice is dated. The Animal Control Board shall hold the appeal hearing within 30 days of the date that the notice is filed with the City Clerk's Office. Animal Control Board shall issue their written decision to the appellant within three days of the hearing.
- d. If the Animal Control Board orders the reduction or elimination of animals at a residential dwelling, the City's animal control agent shall carry out the order within three (3) days.
- e. Violations of this part shall be subject to the penalties specified in Section 2-121 set out herein.

SECTION 2. REPEALER. All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed.

SECTION 3. EFFECTIVE DATE. This ordinance shall become effective ten (10) days after its adoption, in accordance with Section 221 of the City of Reading Home Rule Charter.

Enacted _____, 2010

President of Council

Attest:

City Clerk

Submitted to Mayor: _____

Date: _____

Received by the Mayor's Office: _____

Date: _____

Approved by Mayor: _____

Date: _____

Vetoed by Mayor: _____

Date: _____

ORDINANCE NO. _____-2010

AN ORDINANCE AMENDING THE CITY OF READING CODIFIED ORDINANCES CHAPTER 1 ADMINISTRATION AND GOVERNMENT, SECTION 186 FISCAL PROVISIONS BY PROVIDING CLARIFYING LANGUAGE REGARDING COUNCIL APPROVAL OF TRANSFERS TO AND FROM ALL CITY FUND ACCOUNTS.

THE COUNCIL OF THE CITY OF READING HEREBY ORDAINS AS FOLLOWS:

SECTION ONE. Amending The City Of Reading Codified Ordinances Chapter 1 Administration And Government, Section 186 Fiscal Provisions #3 Regulations Concerning Appropriations and Transfers by providing clarifying language regarding Council Approval Of Transfers To And From All City Fund Accounts. §1-186. Fiscal Provisions.

3. Regulations Concerning Appropriations and Transfers.

A. The authorization and expenditure of all funds and preparation of department budgets shall be in accordance with a policy adopted by the Council and a financial procedures manual to be prepared and periodically reviewed and updated by the Department of Finance. Expenditures shall be executed in a uniform manner for every City Department.

B. The Director of Finance shall prepare and submit a monthly report to the Mayor, the managing director, and Council. This monthly report shall include all Expenditures, borrowing, or any use for each City Department and each City Fund account, and status reports comparing those expenditures with the adopted budget, as well as any Department justification of transfer, borrowing, or any use of funds within departments, between departments and within or between City Funds account.

C. In order to allow flexibility in the administration of the City's business, departments may transfer money between line items within the department. A majority of Council, in response to any monthly report, may place a limit on the amount of additional excess expenditure allowed for any program or line item. This is not intended to restrict unduly the Mayor's ability to manage and administer the budget

D. Justification for transferring, borrowing or any use of funds between departments and/or City Fund accounts must be presented to and approved by Council. The financial procedures manual will stipulate the following:

- (1) Expenditure procedures.
- (2) Justification procedures for transferring money between line items.

(3) Justification procedures for transferring money between department.

(4) Administration of petty cash funds.

(5) Justification procedures for transferring, borrowing, or any use of money between City Fund accounts.

E. Requiring an amendment to the City's annual Budget Ordinance authorizing the transfer, borrowing, or any use of all monies including, but not limited to, transfers, borrowing, or any use of funds between departments, and transfers, borrowing, or any use of funds in and out of any City Fund account, account or line item either attached in part or unattached to a departmental budget. *The City Funds include all general, operating, capital and enterprise funds.* The request for a budget amendment must be submitted to City Council with an agenda memorandum explaining the justification for transfer, borrowing, or any use of funds and the proposed use for the funds transferred **at least 2 weeks before the transfer is required.** [Ord. 36-2000]

F. Requiring an amendment to the City's annual Budget Ordinance to authorize any cumulative modification to any departmental overall budget or line item exceeds \$10,000.

The request for a budget amendment must be submitted to City Council with an agenda memorandum explaining the justification for transfer and the proposed use for the funds transferred, borrowed or used at least 2 weeks before the transfer is required. [Ord.

54-2009]

G. Requiring City Council approval, via ordinance, for the following:

(1) Salary increases that were not approved in or included in the budget for the fiscal year and fall outside the labor contract for union employees.

(2) All expenditures not approved and listed in the operating or capital budgets for the fiscal year prior to those expenditures occurring. [Ord. 36-2000]

(3) All expenditures and allocations of \$50,000 or more from and to any and all agency funds and any and all line-items falling in the Departmental: Non Departmental area of the General Fund. [Ord. 4-2009]

SECTION TWO. All other parts of the Ordinance remain unchanged.

SECTION THREE. This ordinance shall become effective ten (10) days after its adoption in accordance with Sections 219 and 221 of the City of Reading Home Rule Charter.

Enacted by Council _____, 2010

President of Council

Attest:

City Clerk

(Waltman & Council Staff)

Submitted to Mayor: _____

Date: _____

Received by the Mayor's Office: _____

Date: _____

Approved by Mayor: _____

Date: _____

Vetoed by Mayor: _____

Date: _____

ORDINANCE NO. _____-2010

AN ORDINANCE ESTABLISHING A FOUR-WAY STOP INTERSECTION AT N. 13TH ST AND RICHMOND ST IN THE CITY OF READING, PENNSYLVANIA

THE COUNCIL OF THE CITY OF READING HEREBY ORDAINS AS FOLLOWS:

SECTION ONE. Intersection of North 13th Street and Richmond Street is hereby established as a four-way stop intersection.

SECTION TWO. Drivers of all vehicles approaching said intersections shall come to a complete stop and not proceed into said intersection until it can be done with safety, as provided in the Pennsylvania Motor Vehicle Code.

SECTION THREE. This ordinance shall become effective ten (10) days after its adoption in accordance with Sections 219 and 221 of the City of Reading Home Rule Charter.

Enacted by Council _____, 2010

President of Council

Attest:

City Clerk

Submitted to Mayor: _____

Date: _____

Received by the Mayor's Office: _____

Date: _____

Approved by Mayor: _____

Date: _____

Vetoed by Mayor: _____

Date: _____

AGENDA MEMO

COMMUNITY DEVELOPMENT

TO: CITY COUNCIL
FROM: DANIEL ROBINSON, DIRECTOR
MEETING DATE: October 25, 2010
AGENDA MEMO DATE: September 15, 2010
REQUESTED ACTION: TO APPROVE AN AMENDMENT TO THE FFY2010
(36TH YEAR - JANUARY 1, 2010 TO DECEMBER 31,
2010) CDBG ACTION PLAN

CD is asking City Council to pass the resolution at the **October 25th, 2010** City Council meeting.

BACKGROUND: Three fire station roofs are in need of immediate repair. The total project cost is \$114,140. The funding will be taken from the Barbey Playground activity. Barbey Playground CDBG funding will be replaced in 2011.

BUDGETARY IMPACT: None.

PREVIOUS ACTION: None.

SUBSEQUENT ACTION: None

RECOMMENDED BY: Community Development Director, Managing Director and Mayor.

RECOMMENDED MOTION: To approve/deny a Council Resolution authorizing the Mayor to execute a FFY2010 (36th CD year - January 1, 2010 to December 31, 2010) Action Plan Amendment to move \$114,140 in CDBG funding from the Barbey Playground activity to the renovation of the 9th and Marion, 8th and Court, Reed and Walnut Fire Station activities.

Cc: Carl Geffken
William Rehr
Charles Jones
Neil Nemeth
Brenda Skimski

RESOLUTION No. _____

**RESOLUTION OF THE COUNCIL OF THE CITY OF READING
AUTHORIZING THE MAYOR TO EXECUTE A FFY2010 (36TH CD YEAR
- JANUARY 1, 2010 - DECEMBER 31, 2010) ACTION PLAN
AMENDMENT TO MOVE \$114,140 IN CDBG FUNDING FROM THE
BARBEY PLAYGROUND ACTIVITY TO THE RENOVATION OF THE
9TH AND MARION, 8TH AND COURT, REED AND WALNUT FIRE
STATION ACTIVITIES**

WHEREAS, under 24 CFR Part 91, the U.S. Department of Housing and Urban Development (HUD) outlines the consolidated submissions for Community Planning and Development programs which will serve as (1) a planning document for the City that builds on a participatory process at the grass roots level; (2) an application for federal funds under HUD's formula grant program; (3) a strategy to be followed in carrying out HUD programs; and (4) an Action Plan that provides a basis for assessing performance;

WHEREAS, the FFY2009 to FFY2013 five year Consolidated Plan (35th to 39th years - January 1, 2009 to December 31, 2013) specifies activities the City will undertake to address priority needs and local objectives using formula grant funds and program income the City expects to receive during a five year period;

WHEREAS, the FFY2010 (36th year - January 1, 2010 to December 31, 2010) Action Plan specifies activities the City will undertake to address priority needs and local objectives using formula grant funds and program income the City expects to receive during the program year;

NOW, THEREFORE BE IT RESOLVED BY THE COUNCIL OF THE CITY OF READING THAT:

The FFY2010 (36th CD year - January 1, 2010 – December 31, 2010) Action Plan is amended to move a total of \$114,140 from the Barbey Playground activity and program the funding to the following new activities:

\$47,000 for the 9th and Marion Fire Station Rehab. The renovations include (but are not limited to) a new roof and related improvements. The activity eligibility / fundability determination is public facilities and improvements 24CFR570.201(c) / low mod area 24CFR570.208(a)(1). The service area contains 62.4 % low mod persons.

\$36,350 for the 8 th and Court Fire Station Rehab. The renovations include (but are not limited to) a new roof and related improvements. The activity eligibility / fundability determination is public facilities and improvements 24CFR570.201(c) / low mod area 24CFR570.208(a)(1). The service area contains 71.8 % low mod persons.

\$30,790 for the Reed and Walnut Fire Station (EMS Building) Rehab. The renovations include (but are not limited to) a new roof and related improvements. The activity eligibility / fundability determination is public facilities and improvements 24CFR570.201(c) / low mod area 24CFR570.208(a)(1). The service area contains 68.4 % low mod persons.

The Mayor, on behalf of the City of Reading, is authorized and directed to execute the amendment to the satisfaction of HUD.

PASSED COUNCIL _____, 20____

PRESIDENT OF COUNCIL

ATTEST:

CITY CLERK